IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Gordhan & ors. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 1362/2006
against the order dated 7-10-2006 passed
by the Chief Judicial Magistrate, Nagaur
In Criminal Case No.5/2005

...

Date of Order: November 10, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. J.S. Choudhary, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. C.R. Jakhar, for the complainant.

BY THE COURT:

I have learned counsel for the petitioners, the Public Prosecutor and the counsel for the complainant. Perused the order impugned. I have also gone through the police investigation diary.

After investigation, the police filed the Challan against the present petitioners and others. I have also gone through the statement of the prosecutrix recorded by the Magistrate under Section 164 Cr.P.C. The occurrence is of January, 2005. The petitioners seek holding of identification parade almost after one year and ten months. In my view, the trial Court was justified in declining to hold identification parade

at such a belated stage keeping in view the fact that the prosecutrix was earlier knowing the present petitioners. She was married at village Kosana with Girdhari and stayed at village Kosana for three years and, therefore, she stated that she was knowing the present petitioners. In the circumstances of the case, it cannot be said that the order impugned, declining to hold identification parade, would result in serious miscarriage of justice or abuse of the process of the Court.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs